

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

AUGUST 5, 2003

#### CALL TO ORDER/NOTING OF QUORUM

Vice Chairperson Glass called the meeting to order and noted the quorum and the attendance. Present were Commissioner Davis and Commissioner Marks. Also in attendance were Industry Liaison Okey, Executive Secretary Webb and Superintendent Davis.

Lisa Goldner of Bose McKinney & Evans, Ronna Chappell of ILBA, Jim Calvert of Olinger, Deb Scott of IABR, JoAnn Connolly and John Barnet of DISCUS were present as observers.

#### COMMUNICATIONS FROM THE FLOOR

BELTERRA CASINO RESORT – JoAnn Connolly, an alcoholic beverage permittee, appeared before the Commission to present more evidence concerning Belterra Casino.

Vice Chairperson Glass informed Ms. Connolly that the Commission would not hear her concerns at that time and that if she had more evidence, she should submit it in writing. The Vice Chair also stated that no action would be taken concerning this matter without the Chairperson or without notifying Ms. Connolly that action was going to be taken.

#### DISPOSITION OF MINUTES

Commissioner Marks moved to approve the minutes that were submitted for the July 15, 2003 meeting. Motion seconded by Commissioner Davis and Vice Chairperson Glass abstained from voting, due to the fact that she was not present at the July 15, 2003 meeting.

#### HEARING JUDGE'S RECOMMENDATIONS

Commissioner Davis moved to approve the PAD forms that were submitted for the August 5, 2003 meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

#### CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as

part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

Two hundred eighty-seven (287) renewals approved, twenty-four (24) new and/or transfer permits approved, twelve (12) permits conditionally approved, five (5) permits approved for catering, four (4) permits approved for first year escrow, four (4) permits approved for second year escrow and one (1) permit approved for third year escrow.

#### **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Davis and it was unanimously approved.

#### **APPLICATIONS FOR DISCUSSION**

DL04-19422 CASEY'S ENTERPRISES, LLC – Vice Chairperson Glass noted this is a type 115 renewal application with the local board voting three (3) to zero (0) to approve. Remonstrators were present at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

DL71-97052 MICHAEL CIRA & DEBBRA CIRA – Vice Chairperson Glass noted this is a type 111 renewal application with the local board voting four (4) to zero (0) to disapprove. Applicant failed to appear at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

RR02-96264 GB, INC. – Vice Chairperson Glass noted the location of this permit has been annexed into the city limits of Fort Wayne. Permittee is requesting this permit be converted from a type 209 permit to a type 210 permit.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Davis and it was unanimously approved.

RR46-19820 JOSEPH KOLAT – Vice Chairperson Glass noted this is a type 209 renewal application with the local board voting three (3) to zero (0) to disapprove. Permittee does not qualify for this permit due to lack of food sales.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

DL12-19958 WAL-MART STORES EAST, LP – Vice Chairperson Glass noted this permit location was thought to be inside the city limits of Frankfort, however, it has been discovered that the location is outside the city limits. The permittee is requesting this permit be converted from a type 115 to a type 116.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Davis and it was unanimously approved.

### **INACTIVE FILES**

Commissioner Marks moved to make eleven (11) permits inactive. Nine (9) permits are not subject to auction and two (2) permits are subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

### **APPEALS FROM LOCAL BOARD RECOMMENDATIONS**

DL82-03077 WM B SHEPARD AND RR46-05204 CHS CORPORATION – Vice Chairperson Glass stated appeals were filed. These will be assigned to a hearing officer.

### **OLD BUSINESS**

No Old Business

### **NEW BUSINESS**

OLINGER DISTRIBUTING VINEYARD CELEBRATION WINE TASTING - Olinger would like approval for their Vineyard Celebration Wine Tasting to benefit The Leukemia & Lymphoma Society.

PEOPLE'S BURN FOUNDATION SUMMER ICE EVENT – People's Burn Foundation would like to serve donated alcoholic beverages at their Summer Ice event.

MULTIPLE SCLEROSIS SOCIETY DINNER OF CHAMPIONS – Multiple Sclerosis Society would like to serve donated alcoholic beverages at their Dinner of Champions.

RATHSKELLER WINE & BREW FEST – The Rathskeller would like to use donated alcoholic beverages for their wine and beer tasting to benefit The Leukemia & Lymphoma Society.

ARTHRITIS FOUNDATION ANNUAL VINTAGE WINE FESTIVAL & AUCTION – Arthritis Foundation would like to serve donated alcoholic beverages at their Vintage Wine Festival and Auction.

INDIANA REPERTORY THEATRE OPENING NIGHT – Indiana Repertory Theatre would like to serve donated alcoholic beverages at their opening night festivities.

BOYS AND GIRLS CLUBS FORE THE KIDS GOLF TOURNAMENT – Boys and Girls Clubs would like to serve donated alcoholic beverages at their Fore the Kids Golf Tournament.

AMERICAN CANCER SOCIETY COACHES VS. CANCER BENEFIT – American Cancer Society would like to serve donated alcoholic beverages at their Coaches Vs. Cancer benefit.

ST. THOMAS MORE OKTOBERFEST – St. Thomas More Athletic Department would like to serve donated alcoholic beverages at their Oktoberfest.

AMBASSADORS FOR CHILDREN TRAVEL SHOW – Ambassadors for Children would like to serve donated alcoholic beverages at their Travel Show.

Commissioner Davis moved to approve these requests. Motion seconded by Commissioner Marks and it was unanimously approved.

### **POLICY DETERMINATIONS**

No Policy Determinations.

### **UNDER ADVISEMENT**

Nothing Under Advisement.

### **ANNOUNCEMENTS**

No Announcements

## **ADJOURNMENT**

Commissioner Marks moved to adjourn the meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

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MARY DEPREZ, CHAIRPERSON

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BARBARA L. GLASS, VICE CHAIRPERSON

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JAMES DAVIS, COMMISSIONER

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GIGI M. MARKS, COMMISSIONER